

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #10	CCRB Case #: 201706227	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 04/10/2010 6:58 AM	Location of Incident: § 87(2)(b)	Precinct: 61	18 Mo. SOL 10/10/2011	EO SOL 10/10/2011	
Date/Time CV Reported Wed, 07/26/2017 10:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/01/2017 10:50 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Giampaolo	29376	934923	061 PCT
2. Officers			061 PCT
3. POM Joseph Selitto	19551	931202	061 PCT
4. An officer			061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Chad Manzi	00000	929443	061 PCT
2. SGT Jian Tan	01786	926191	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Giampaolo	Abuse: Police Officer Anthony Giampaolo stopped § 87(2)(b)	§ 87(2)(b)
B.POM Joseph Selitto	Abuse: Police Officer Joseph Selitto stopped § 87(2)(b)	§ 87(2)(b)
C. Officers	Abuse: Officers stopped § 87(2)(b)	§ 87(2)(b)
D.POM Anthony Giampaolo	Force: Police Officer Anthony Giampaolo used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Joseph Selitto	Force: Police Officer Joseph Selitto used physical force against § 87(2)(b)	§ 87(2)(b)
F. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(b)
G. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H. An officer	Force: An officer struck § 87(2)(b) with a baton.	§ 87(2)(b)

Case Summary

On July 26, 2017, Sgt. Gaspar Sciacca of the 60th Precinct Detective Squad filed this complaint with IAB via telephone on behalf of a prisoner, § 87(2)(b). On August 1, 2017, the complaint was forwarded to the CCRB via IAB log #2017-29068.

At approximately 6:58 a.m. on April 10, 2010, § 87(2)(b) left an unidentified friend's home located near § 87(2)(b) in Brooklyn. Earlier that evening, § 87(2)(b) had broken into several parked cars in the vicinity and removed items including laptops and GPS systems. When § 87(2)(b) exited his friend's house, he was approached by four officers from the 61st Precinct, including PO Anthony Giampaolo and PO Joseph Selitto (**Allegations A, B and C**). § 87(2)(b) allegedly fled from the officers for about a block before stopping to surrender to them. One of these officers allegedly tackled § 87(2)(b) to the ground. All four officers then allegedly punched and kicked § 87(2)(b) several times (**Allegations D, E and F**).

§ 87(2)(b) was placed in handcuffs and lifted to his feet. One of the officers allegedly told § 87(2)(b) "You're going to stop doing that shit," and called § 87(2)(b) a "piece of shit" (**Allegation G**). The same officer then allegedly tapped § 87(2)(b) on the crown of his head using a baton (**Allegation H**). § 87(2)(b) sustained a laceration to his head. A show-up identification was conducted with § 87(2)(b) whose vehicle § 87(2)(b) had allegedly tried to break into. § 87(2)(b) positively identified § 87(2)(b). § 87(2)(b) was subsequently transported to § 87(2)(b) for treatment. § 87(2)(b) was eventually charged with § 87(2)(b).

No video evidence was found for this case.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b)'s complaint was ineligible for mediation due to his arrest.
- A Notice of Claim request was submitted to the NYC Comptroller's office on November 6, 2017. It will be included in the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by or on behalf of § 87(2)(b) (See Board Review #02: Civilian CCRB History).
- PO Giampaolo has been a member of the service for thirteen years. These are the first CCRB allegations made against him.

- PO Selitto has been a member of the service for fifteen years and there are no substantiated CCRB allegations against him. He has been the subject of one previous allegation. These are the first stop and physical force allegations made against him.

Potential Issues

- § 87(2)(b) was uncertain of the date of the incident, but stated that it occurred in April of 2010. This date corresponded to arrest #§ 87(2)(b) which occurred on April 10, 2010, and was § 87(2)(b)'s only arrest during that month.
- § 87(2)(b) filed this complaint more than seven years after the incident date. During his sworn statement, he explained that he did not file the complaint before then because he feared that the officers involved would retaliate against him. § 87(2)(g)
- As a result of the age of the case, numerous police records were no longer on file, including the 61st Precinct roll call and § 87(2)(b)'s medical treatment of prisoner report.

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) identified the officers who stopped him and subsequently used force against him as a group of four plainclothes officers. He described them as a bald white male, a bald black male, a dark-haired Hispanic male and a Hispanic female. § 87(2)(b) recognized the black male from several subsequent interactions as Det. Sherwin Ifill. § 87(2)(b) did not witness § 87(2)(b)'s apprehension. When he participated in a show-up identification, he noted that the officers holding § 87(2)(b) in custody were in uniform. He did not recall what any of the officers looked like.

Det. Ifill's memo book showed that he was RDO on both April 9, 2010 and April 10, 2010, indicating that he was not on duty at the time of the incident (See Board Review #03: Det. Ifill's Memo Book). § 87(2)(b)'s arresting officer, PO Giampaolo, is a bald white male. His partner, PO Selitto, is a white male with brown hair. Both officers were in uniform at the time of the incident. While neither of them recalled the incident, both of their memo books indicate that they responded to an initial report of a larceny in progress (See Board Review #04-05: Memo Books). § 87(2)(g)

Neither PO Giampaolo nor PO Selitto recalled the identities of any of the other officers who were involved in § 87(2)(b)'s arrest. The complaint report showed that Sgt. Chad Manzi was present during the incident, but does not indicate when he arrived (See Board Review #06: Complaint Report). Neither Sgt. Manzi nor his operator, PO Jian Tan, recalled the incident. Sgt. Manzi is a white male with brown hair and PO Tan is an Asian male. § 87(2)(g)

§ 87(2)(b) had alleged that the same group of officers who arrested him had arrested his friend, identified only as “§ 87(2)(b)” several hours before the incident. A review of arrest records found that all of the arrests made during this period were sealed. § 87(2)(b) therefore could not be arrested. None of the officers interviewed were aware of any earlier arrests involving § 87(2)(b) or his associates.

§ 87(2)(g)

- § 87(2)(b) additionally alleged that the bald white male plainclothes officer in his 40s used profanity towards him and tapped him on the head with a baton. § 87(2)(b) was not present at the time of these allegations. As discussed above, none of the officers who were identified as being present at some point during the incident recalled what happened. Of the four of them, only PO Giampaolo and Sgt. Manzi are white males. Both were in their early 30s at the time of the incident. PO Giampaolo is bald. Both of these officers, however, were in uniform at the time. While PO Selitto’s and PO Giampaolo’s memo book entries indicate that they were present for the entirety of the incident, it is unclear when Sgt. Manzi and PO Tan arrived.

§ 87(2)(g)

As discussed above, § 87(2)(b) specifically identified Det. Ifill as one of the officers who stopped him, despite the fact that Det. Ifill was off-duty at the time. § 87(2)(b) also alleged that he was stopped by plainclothes officers, when all four of the officers identified to date were in uniform at the time of the incident. § 87(2)(b) also stated that he was at his friend’s house for several hours before the arrest. § 87(2)(b) however, stated that he chased § 87(2)(b) on foot after he observed § 87(2)(b) attempt to break into his car. § 87(2)(g)

While PO Giampaolo is the only bald white male officer who has been identified to date, he is much younger than the officer that § 87(2)(b) described. He was also in uniform, rather than plainclothes, at the time. § 87(2)(g)

Allegation A –Abuse of Authority: Police Officer Anthony Giampaolo stopped § 87(2)(b)

Allegation B –Abuse of Authority: Police Officer Joseph Selitto stopped § 87(2)(b)

§ 87(2)(b) was interviewed at § 87(2)(b) via video teleconference on August 16, 2017 (See Board Review #07: § 87(2)(b) s Statement). He stated that several hours before his arrest, he and a

friend, whom he identified only as “§ 87(2)(b) broke into several parked cars at an unknown location in the Manhattan Beach neighborhood in Brooklyn. A group of plainclothes officers riding in a marked vehicle drove up to § 87(2)(b) and placed him under arrest. The investigation identified two of these officers as PO Giampaolo and PO Selitto. The officers did not interact with § 87(2)(b) at that time. § 87(2)(b) ran from the site of § 87(2)(b) arrest. He went to another house nearby that belonged to another friend, identified only as “§ 87(2)(b) § 87(2)(b) stayed at § 87(2)(b) house for several hours. At approximately 6:58 a.m., § 87(2)(b) left § 87(2)(b) house. As soon as he exited, the same group of officers, including PO Giampaolo and PO Selitto, immediately drove up to him in an unmarked silver Chevrolet Impala. The officers exited the vehicle and immediately ran towards § 87(2)(b) § 87(2)(b) initially did not recognize the officers, and did not know that they were police officers. He ran for approximately one block before he realized that these were the officers who had arrested § 87(2)(b) earlier that evening. § 87(2)(b) then stopped and allowed the officers to catch up to him.

§ 87(2)(b) provided a telephone statement on September 22, 2017 (See Board Review #08: § 87(2)(b) s Statement). He stated that at approximately 6:40 a.m., he found § 87(2)(b) attempting to break into his car, which was parked in front of his home at § 87(2)(b) § 87(2)(b) chased § 87(2)(b) on foot for about a block, while an unidentified neighbor of his called the police. § 87(2)(b) lost track of § 87(2)(b) and returned to his home. A few minutes later, an unidentified uniformed officer drove up to § 87(2)(b) and asked for his assistance in identifying a suspect. § 87(2)(b) performed a show-up identification, in which officers drove him past a young male that they had stopped. § 87(2)(b) had not seen the male’s apprehension, and did not know how or why the police had stopped him. § 87(2)(b) confirmed that the male that the officers had stopped was § 87(2)(b)

PO Giampaolo, PO Selitto, PO Tan and Sgt. Manzi were interviewed at the CCRB between October 6, 2017 and October 27, 2017 (See Board Review #09-12: MOS Statements). None of the officers had any recollection of the incident. They did not recall the incident after reviewing § 87(2)(b) s arrest and complaint reports. None of them could explain why § 87(2)(b) was stopped or how he was identified as a suspect. None of them recalled speaking to § 87(2)(b) or any other civilian complainants. None recalled arresting a friend of § 87(2)(b) s before § 87(2)(b) s own arrest. Sgt. Manzi and PO Tan were familiar with § 87(2)(b) noting that he had been arrested numerous times in the 61st Precinct for breaking into cars. PO Giampaolo did not know § 87(2)(b) s name, but recognized § 87(2)(b) s face when shown the arrest photograph. PO Selitto was unfamiliar with § 87(2)(b) None of the officers recalled interacting with § 87(2)(b) on April 10, 2010.

PO Giampaolo’s and PO Selitto’s memo books both indicate that they arrested § 87(2)(b) after responding to a report of a larceny in progress (See Board Review #04-05: Memo Books). The complaint report indicates that the police were notified of the larceny by § 87(2)(b) (See Board Review #06: Complaint Report).

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Allegation C –Abuse of Authority: Officers stopped § 87(2)(b)

Allegation F –Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) alleged that a total of four officers stopped him. He initially fled from the officers, and ran for about a block before stopping to surrender to them. Once § 87(2)(b) stopped, one of the officers tackled § 87(2)(b) to the ground. Once he was down, all four of the officers started to punch § 87(2)(b). He reacted to this force by curling his body up to protect himself. Later, after the officers managed to place § 87(2)(b) in handcuffs, two of the officers also kicked § 87(2)(b) on his legs.

§ 87(2)(b) was not present at the time of § 87(2)(b)'s apprehension. He did not know if any of the officers used force against § 87(2)(b) at any time. None of the officers recalled the incident in any detail. They did not know if any force was used to bring § 87(2)(b) into custody.

§ 87(2)(b)'s medical records make no mention of § 87(2)(b) having any injuries to his torso, including any contusions. While § 87(2)(b) was found to have a laceration on the top of his head, § 87(2)(b) had attributed this injury to subsequent force applied after he was handcuffed. No other injuries were noted (See Board Review #13-14: Medical Records). § 87(2)(b)'s arrest photograph showed that he had abrasions along both sides of his face (See Board Review #15: Arrest Photograph).

§ 87(2)(g)
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[REDACTED].

Allegation D –Force: Police Officer Anthony Giampaolo used physical force against § 87(2)(b)

Allegation E –Force: Police Officer Joseph Selitto used physical force against § 87(2)(b)

§ 87(2)(b) stated that he initially fled from the officers when they approached him outside of his friend § 87(2)(b)'s house. One of the officers tackled § 87(2)(b) to the ground. Once he was

that the officer tapped him on the head with an extended baton. He denied that the officer forcibly struck him with the baton. This tapping motion, however, caused a laceration to the crown of § 87(2)(b)'s head. § 87(2)(b) lost consciousness as a result of this injury.

§ 87(2)(b) did not witness § 87(2)(b)'s apprehension. He briefly saw § 87(2)(b) again when he conducted a show-up identification. He did not see any officer strike § 87(2)(b) with any objects during this identification. § 87(2)(b) believed that § 87(2)(b)'s nose may have been bleeding during the show-up identification, but he was not certain of this. He did not observe any other injuries to § 87(2)(b).

None of the officers recalled the incident in any detail. They did not know if any force was used to bring § 87(2)(b) into custody. None of the officers recalled themselves or any other officer drawing or using a baton during the incident. They did not recall any officer striking § 87(2)(b) on the head or anywhere else on his body with a blunt object.

§ 87(2)(b)'s medical records confirm that he sustained a laceration to the top of his head. He received several staples to close the wound. § 87(2)(g)
The narrative of § 87(2)(b)'s FDNY prehospital care summary states that § 87(2)(b) told EMS that he hit his head on the ground while fleeing from the police. He was conscious when EMS treated him. § 87(2)(b)'s records from § 87(2)(b) however, indicate that § 87(2)(b) claimed that an officer hit him on the head, causing him to lose consciousness. The hospital records note the apparent discrepancy with the prehospital care summary. No other injuries are noted to § 87(2)(b) (See Board Review #13-14: Medical Records). § 87(2)(b)'s arrest photograph showed that he had abrasions along both sides of his face (See Board Review #15: Arrest Photograph).

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Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date